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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE SUBPOENAS TO ELECTRONIC
FRONTIER FOUNDATION AND FRED
VON LOHMANN.

CASE NO. Misc. 10-80276 (JSW)

[Case No. 06 Civ. 05936 (KMW), U.S. District
Court, Southern District of New York]

ARISTA RECORDS LLC, et al.,
Plaintiffs,

**JOINT STIPULATION TO STAY
PROCEEDINGS RELATED TO REQUEST
BY ELECTRONIC FRONTIER
FOUNDATION AND FRED VON
LOHMANN FOR COSTS (Dkt. No. 37)**

v.

LIME WIRE LLC, et al.,
Defendants.

1 WHEREAS Electronic Frontier Foundation (“EFF”) and Fred von Lohmann (jointly
2 “Movants”) filed a Request for Costs in this Court on June 13, 2011 (Dkt. 37) (“Request”),
3 seeking fees and costs that Movants argue are related to discovery sought by Plaintiffs in the
4 matter, *Arista Records LLC et al. v. Lime Wire LLC et al.*, Case No. 06 CV 5936 (KMW), in the
5 United States District Court for the Southern District of New York (hereinafter, the “Lime Wire
6 matter”);

7 WHEREAS this Court’s December 17, 2010 Order on the EFF’s motion to quash
8 Plaintiffs’ subpoenas for discovery in the Lime Wire matter (Dkt. 36) sets forth a briefing
9 schedule that requires a response to Movants’ Request no later than two weeks from its filing, or
10 by June 27, 2011;

11 WHEREAS in the Lime Wire matter, the Honorable Kimba M. Wood, United States
12 District Court for the Southern District of New York, entered a Consent Judgment that
13 incorporates a Settlement Agreement and Mutual Release, and that specifies, *inter alia*, that Judge
14 Wood retains jurisdiction to enforce the Consent Judgment and the terms of the Settlement
15 Agreement and Mutual Release;

16 WHEREAS after Movants filed their request, on June 14, 2011, Plaintiffs notified
17 Movants that it is Plaintiffs’ position that the Settlement Agreement and Mutual Release releases
18 the claims in the Request;

19 WHEREAS Plaintiffs have asked Judge Wood to enforce the Settlement Agreement and
20 Mutual Release, and to hold that it releases Movants’ claims in the Movants’ Request;

21 WHEREAS Judge Wood has requested briefing from the parties with respect to whether
22 the Settlement Agreement and Mutual Release releases the claims in Movants’ Request;

23 WHEREAS the parties agree that further proceedings in this Court on the Request should
24 be stayed pending Judge Wood’s decision;

25 WHEREAS there have been no previous time modifications in this case related to the
26 Request, and the stay stipulated to herein will not have any effect on the schedule for this case,
27 other than to stay further briefing and proceedings as set forth herein;

28 NOW, THEREFORE, it is hereby stipulated and agreed as follows:

1 1. Further briefing and proceedings on Movants' Request (Dkt. 37) is stayed, and all
2 briefing dates related to the request are taken off-calendar pending Judge Wood's decision.

3 2. The Parties will jointly notify the Court of Judge Wood's decision once it is
4 issued, and will recommend a schedule for further briefing, should that be necessary.

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7 DATED: June 24, 2011

MUNGER, TOLLES & OLSON LLP

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10 By: /s/ Hailyn J. Chen
Hailyn J. Chen
Attorneys for Respondents

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12 DATED: June 24, 2011

WINSTON & STRAWN LLP

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15 By: /s/ Andrew P. Bridges*
Andrew P. Bridges
Attorneys for Movants

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27 _____
28 * Electronically signed by Plaintiffs' counsel with the concurrence of Movants' counsel. N.D. Cal.
General Order No. 45 ¶ X.B.